



# THE ASSAM GAZETTE

অসাধাৰণ

EXTRAORDINARY

প্ৰাপ্ত কৰ্তৃত্বৰ দ্বাৰা প্ৰকাশিত

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GOVERNMENT OF ASSAM

ORDERS BY THE GOVERNOR

FINANCE (PAY RESEARCH UNIT) DEPARTMENT

## NOTIFICATION

The 12th August, 2024

**eCF No.226991/2041.-** In pursuance of order dated 04/01/2024 passed by Hon'ble Supreme Court of India in Writ Petition (Civil) no.643/2015 (All India Judges' Association-Vs-Union of India & Others) and in exercise of the power conferred by the proviso to Article 309 of the Constitution of India, the Governor of Assam is pleased to extend the benefit of revised allowances to the Judicial Officers of Subordinate Judiciary of the State w.e.f 01/01/2016 in following manner:

- |   |   |   |
|---|---|---|
| 1 | <b>House Building Advance (HBA)</b>       | <p>a. HBA shall be made available to Judicial Officers in terms of House Building Advance Rules, 2017 issued by Ministry of Housing &amp; Urban Affairs vide OM No.I.17011/11(4)/2016-H-III dated 09/11/2017 &amp; the amendments issued there upon from time to time.</p> <p>b. HBA shall be available to Judicial Officers also for the purchase of ready built house from private individuals subject to such safeguards as may be prescribed by the state government in consultation with Hon'ble Gauhati High Court.</p> |
| 2 | <b>Children Education Allowance (CEA)</b> | <p>a. Rs.2,250/-per month as CEA and Rs.6,750/-per Month as hostel subsidy for two children upto Class XIIth .</p> <p>b. For children with special needs, reimbursement would be at double the rate stated in 2 (a).</p>  |

- c. When DA increases by 50%, the allowances and subsidy shall increase by 25%.
- d. The above mentioned allowance and grant shall be admissible from the academic year 2019-2020.
- e. The above mentioned allowance is subject to condition that when both the spouses are Judicial Officers, such allowance will be applicable only to one spouse.
- f. CEA and Hostel Subsidy shall be provided on the basis of certificate provided by Head of the Educational Institution regarding actual expenditure pertaining to CEA and Hostel subsidy.
3. **City Compensatory Allowance** This allowance stands discontinued with immediate effect. However no recovery shall be effected on the amount already paid on account of the allowance.
4. **Concurrent Charge Allowance** a. Concurrent charge allowance shall be available maximum at the rate of 10% of the minimum of the scale of the additional post held beyond a period of ten working days.
- b. Hon'ble High Court will decide the Concurrent Charge allowance to be available to the Officer within this ceiling of 10% on the basis of the number of days actually worked, the quantum of judicial work turned out and the administrative work handled.
5. **Conveyance/ Transport Allowance (TP)** a. The pool car service for various Judicial Officers is dispensed with. However if the Officers wish, they can forgo the Transport Allowance and continue with the pool car service for a period of one year.
- b. Transport allowance @ Rs. 10,000/- per month **w.e.f 01.01.2016 to 31.12.2020** will be given to Judicial Officers, who uses their private car for official work to cover the cost of maintenance and driver's salary. This will be increased to Rs. 13,500/- per month **w.e.f 01.01.2021**. These allowances shall be payable at a reduced rate of Rs 4000/- pm, if there is an existing practice of allocating a driving knowing office attendant/ peon to the officer.
- c. In addition to the transport allowance, there will be reimbursement of 100 litres of fuel for

Judicial Officers posted in cities and 75 litres for Judicial Officers posted in other areas. This reimbursement is to be made on the basis of Self certification from the Officer itself regarding actual consumption of fuel.

d. In addition to the list of Judicial Officers eligible for official vehicle, three more Judicial functionaries shall be eligible for official vehicles, namely, Director of Judicial Academy/ Judicial Training Institute, Principal Judge of Family Courts and Secretary of District Legal Services Authority.

e. The quantum of petrol/diesel for official cars would be raised to the actual consumption for official purposes as certified by the concerned official and supported by a log book, which would be maintained.

f. All Judicial Officers shall be at liberty to exhibit a sticker 'JUDGE' printed in moderate size on their vehicles.

g. Soft loan facilities to Judicial Officers for purchase of car to the extent of Rs. 10,00,000/- at nominal interest. Detailed guidelines for this shall be issued by Finance department.

**6. Dearness Allowance**

Dearness Allowance will be provided to Judicial officers at the rate available to Central Government Officers with commensurate increase, as and when DA increases for Central Government Officers.

**7. Earned Leave Encashment**

It shall be admissible to the Judicial Officers in the below mentioned manner:

1. There will be maximum limit of 300 days Earned leave encashment at the time of retirement.

2. A Judicial Officer shall be entitled to encash:

a. 10 days earned leave while availing LTC

subject to maximum 60 days-10 days at a time upto six occasions during the entire service.

b. 30 days in a block of two years.

c. Sl 'a' & 'b' above shall be in addition to the right of the Judicial Officers to encash upto 300 days EL at the time of retirement.

3. In case of officers who have retired and while granting leave encashment at the time of retirement, the leave encashment availed during service will stand adjusted and he/she shall be paid the amount of the so adjusted earned leave, at the time of retirement within a period of 3 months.

**8 Electricity and Water Charges**

a. The 50 % of reimbursement formula recommended by FNJPC is retained, subject to the following ceiling:

**District Judges-** 8000 units of electricity per annum and 420 kls of water per annum.

**Civil Judges-** 6000 units of electricity per annum and 336 kls of water per annum.

b. Reimbursement of electricity and water charges shall be on the quarterly basis on production of proof of payment of the billed amount by the officer concerned on self certification basis.

c. Enhanced rate shall be available **w.e.f 01.01.2020.**

**9 Higher Qualification Allowance**

a. The Judicial Officers shall be granted 3(three) advance increments for acquiring higher qualification i.e. post-graduation in law and one more advance increment, if he/she acquires Doctorate in Law.

b. The advance increments once granted for post-graduation degree or Doctorate in law, shall not be again granted if, in future, the officer acquires post graduate or Doctorate degree in any other subject.

c. The advance increments shall be available to the officer who had acquired the post-graduation degree or Doctorate in Law either before recruitment or at any time subsequent thereto while in service.

d. The advance increments shall be granted from the date of initial recruitment, if the officer has already acquired the post-graduation degree or Doctorate in Law and from the date of acquiring the post-graduation or Doctorate degree in Law, if acquired after joining the service.

e. The advance increments shall be made available to the officers in all cases wherein higher qualification has been acquired through regular studies (full or part time) or through distance learning programmes.

f. The advance increment shall be available when the Officer is promoted from Civil Judge (Junior Division) to Civil Judge (Senior Division) and from Civil Judge (Senior Division) to District Judge cadre. The benefit of advance increments shall be extended even at the ACP stage.

g. The advance increments shall be available in the District Judge Cadre from District Judge (Entry Level) to District Judge (Selection Grade) and from District Judge (Selection Grade) to District Judge (Super Time Scale).

h. The advance increments for all practical purposes shall be part of salary and Dearness Allowance shall be available on the same.

**10 Hill  
Area/Tough  
Location  
Allowance**

a. @ Rs. 5000/- per month shall be paid to the Judicial Officers posted in Courts in Dima Hasao, Karbi Anglong, West Karbi Anglong, South Salmara and Majuli districts.

b. This allowance is payable w.e.f 01.01.2016.

**11 Home  
Orderly/  
Domestic  
Help  
Allowance**

1. The Home-cum-office orderly allowance shall be available to the serving Judicial Officers at the following rates:

i. District Judge-Minimum wages for one unskilled worker subject to minimum of Rs. 10,000/- per month.

ii. Civil Judge-60% of minimum wages for one unskilled worker subject to minimum of Rs. 7,500/- per month.

2. Judicial Officers getting higher allowance on this account by virtue of orders issued by the Government, may continue to draw the same.

3. The allowance at the aforesaid rates shall be available to the Judicial Officers w.e.f. 01.01.2016, where they are getting the same prior to 01.01.2016 and in other cases w.e.f. 01.01.2020.

4. The Judicial Officers provided with Group D employee as an attender/peon/office subordinate for residential duties may exercise their option either to continue with the present system and forego the allowance that has been recommended or to claim the allowance instead of availing the services of the official Attender/Peon.

5.(a) The payment of home orderly allowance should not result in discontinuance of practice, if any, of deputing the Office Peons/ Attenders or other Class-IV/ Group D employee during nights at the residences of -

(i) Magistrates who are called upon to attend the Judicial work at times during night.

(ii) The Office Peon/Attender or such other Class-IV/Group D employee deputed for night duty at the residence of Judicial officer living in the areas generally considered to be disturbed or security risk areas or outsourced security guards to be deployed in such areas; and

(iii) Such personnel can also be deputed to the residence of Principal District Judge or equivalent rank officer having administrative responsibilities.



(b).The deployment of Peons/Attenders for such residential duties shall be subject to the availability of Group D/Class IV personnel and without detriment to Court related duties.

6(a).Domestic Help Allowance to the pensioners and family pensioners shall be available at the following rates from 01/01/2016

(i) **Pensioner-** Rs. 9,000/-per month.

(ii) **Family Pensioner-** Rs. 7,500/- per month.

This allowance shall stand increased by 30% on completion of five years from 01.01.2016 that is w.e.f 01.01.2021.

7. The said allowances shall be paid on the basis of self-certification of Judicial Officer/Pensioner/Family Pensioner.

**12 House Rent Allowance & Residential Quarters:**

**a. Residential Quarters:**

1.If the Judicial Officer is not provided with the government accommodation, then the Judicial Officer may secure private accommodation and should be paid rent in the following terms:

a) If the rent of the private accommodation is within the admissible house rent allowance mentioned at Para b(iv) below, no fixation of rent is required. But the concerned Judicial Officers shall certify the actual rent being paid every month.

b) If the rent of the private accommodation is more than permissible house rent allowance, the rent shall be assessed by Principal District Judge or of equivalent rank with assistance of APWD(Bld.) officials.

c) If the difference between the permissible house rent allowance and the rent assessed is more than 15%, then Principal District Judge or of equivalent rank shall seek approval of Hon'ble High Court for payment of the said amount, unless the officer is ready to pay the differential cost.

2. The minimum plinth area for the residential accommodation shall be 2500 sq. ft. for District Judge and 2000 sq. ft. for Civil Judge. However, the Honble High Court administration has the discretion to sanction the design with higher plinth area.

**b. House-rent allowance:**

i) Judicial Officers who are allotted official residential quarters shall not be entitled to HRA.

ii) For Judicial Officers residing in their own houses, including the house of a parent or spouse, revised HRA will be payable **w.e.f 01.01.2016** after obtaining permission from the Hon'ble High Court to reside in their own house.

Judicial Officers residing in rented house are entitled for revised HRA **w.e.f 01.01.2020**, subject to the actual rent paid within the said ceiling mentioned at Para b(iv) below and self certification by the officer concerned.

iii) The office of the Principal District Judge or of equivalent rank shall pay rent directly to the landlord, in which case the officer is not eligible to draw HRA.

iv) The rates of HRA applicable to all Judicial Officers are @24%, 16% and 8% of basic pay for 'X', 'Y' and 'Z' category cities respectively. However minimum rates prescribed are Rs 5400/-, Rs 3600/- & Rs 1800/- respectively. Rates will be changed to 27%, 18% and 9% when the DA crosses 25% and further revised to 30%, 20% and 10% respectively when the DA crosses 50%.

v) For the purpose of enhanced HRA, the following cities viz. Dibrugarh, Tinsukia, Diphu, Jorhat, Nagaon, Tezpur are also included as Y category cities.

vi) The above HRA is subject to the condition that when both the spouses are Judicial Officers and living in the same station, such allowance will be applicable only to one spouse.



**C. Furniture and Air-Conditioner Allowance:**

i. Furniture grant of Rs. 1,25,000/- will be provided to Judicial Officer once in every five years, subject to production of proof of purchase by the Judicial officer and self certification. Household electrical appliances can also be purchased by availing of the said grant. The Officers having not less than two years of service will also be eligible for this allowance.

ii. The option to purchase the furniture being used by the officer at the depreciated rate shall be available at the time of fresh grant or retirement. Finance department shall issue separate guidelines for the same.

iii. One air-conditioner @ maximum Rs.55,000/- shall be provided at the residence for every Judicial Officer once in every five years.

iv. The above allowance at C(i) and (ii) is subject to the condition that when both the spouses are Judicial Officers and living in the same station, such allowance will be applicable only to one spouse.

**d. Residential Quarters- maintenance:**

For proper maintenance of Official residential quarters, an amount of Rs Ten lakh will be sanctioned to each Principal District Judge or of equivalent rank within 2 months of receipt of proposal sent by Registry of High Court.

**e. Guest House/Transit Accommodation:**

Guest houses/transit homes shall be constructed in a phased manner by PWD Bldng in cities and major towns for Judiciary. Requisite proposal for the same will be submitted to PWD bldg by LR cum Secretary, Judicial Department.

**13 Leave Travel  
Concession  
(LTC)/Home  
Travel  
Concession  
(HTC)**

1. The Judicial Officers shall be permitted to avail one LTC and one HTC in a block of 3 years.
2. Encashment of 10 days earned leave while

availing LTC (not HTC) (subject to the maximum of 60 days) shall continue. The same will be in addition to encashment of 300 days at the time of retirement and 30 days in a block of two years.

3.As far as fresh recruits are concerned, the HTC shall be allowed 2 times in the first block of 3 years. However, the block of 3 years will commence on completion of the period prescribed for probation (not necessarily declared)

4.The Judicial officers irrespective of their rank shall be allowed to travel by air and the reimbursement shall be made subject to the condition that the tickets have been purchased either directly from the Airlines, IRCTC or from the agent authorized by the Government of India.

5.The other details such as class of travel, carry over, advance, etc. shall be governed by the extant rules/orders of the Government of Assam.

6.The retired Judicial Officers shall not be entitled to avail LTC/HTC. But Judicial officers shall be allowed to carry forward LTC anywhere in India beyond retirement for a period of one year.

7.The Judicial Officers shall not be required to avail earned leave only for LTC/HTC purpose and they may be permitted to avail casual leave as a prefix and suffix to the extent of two days.

**14 Medical Allowance/ Medical Facilities**

1. Fixed medical allowance shall be payable @Rs. 3,000/- per month to serving Judicial Officers w.e.f 01.01.2016

2. Fixed medical allowance shall be payable @Rs. 4,000/- per month to pensioners and family pensioners w.e.f 01.01.2016

3. The spouse or the dependents of Judicial officers drawing family pension shall also be eligible for medical facilities/reimbursement at par with the pensioners of the Judiciary

4. Health Department will issue separate guidelines in compliance with Hon'ble Supreme Court directives regarding process of submission of Bills and availing health services by Judicial Officers in the State.

5. On submission of the estimate given by the recognized/empanelled hospital, 80% shall be sanctioned as advance, subject to scrutiny by the Principal District Judge or a District Judge of equivalent rank. The balance shall be reimbursed on certification by the designated official of the Directorate of Medical and Health services as the case may be. If the Government approved rates are not available for any particular item, the certifying officer shall have due regard to the rates generally charged in the hospitals concerned. The bills sent by the District Judge for scrutiny of the designated Civil Surgeon/Officer of Directorate shall be cleared within a maximum period of one month from the date of receipt.

6 (a).The retired Judicial Officers and the family pensioners who have settled down outside Assam will have the facility to claim medical reimbursement/advance from the State from which s(he) is drawing pension/family pension.

6(b). The cost of treatment including room charges/test undergone in any Government/ Government notified / recognized hospitals/ pathological labs in an emergency or otherwise shall be reimbursed to the serving officers on tour (official or private purpose) to another State or settled in another State after retirement even though it is not recognized hospital/ lab in the State in which the officer is serving or had served.

**15 Newspaper and Magazine Allowances**

1.Ceiling limit of Reimbursement for newspaper and magazines shall be Rs.1000/- p.m. for District Judges (two newspapers and two magazines) and Rs.700/- p.m. for Civil Judges (two newspapers and one magazine).

2.The reimbursement shall be on half yearly basis from January to June and July to December, on the basis of self certification by the officer concerned.

3.The allowance at the above mentioned rates shall be available from 01.01.2020.

**16 Risk Allowance**

Risk Allowance shall be available to the Judicial Officers as per the extant Rules of Government of

India applicable for the civilian officers working in the State of Assam. This shall be applicable w.e.f .01.01.2020.

- 17 **Robe Allowance** Judicial Officer shall be entitled for Robe allowance of Rs 12,000 once in three years with effect from 01.01.2016.
- 18 **Special Pay for Administrative Work** Special Pay for Judicial Officers doing administrative work shall be payable to:
1. Principal District & Sessions Judge or of equivalent rank: Rs. 7000/- per month.
  2. Other District Judges including Additional District Judges entrusted with administrative work who have to generally spend time beyond Court working hours : Rs 3500/- per month.
  3. District Judges presiding over Special Courts and Tribunals having independent administrative responsibilities: Rs. 3,500/- per month.
  4. CJMs and Principal Senior, Junior Civil Judges and other Judicial Officers being in charge of independent Courts with filing powers: Rs. 2,000/- per month.
  5. Hon'ble High Court will provide necessary approval for this allowance to Judicial officers.
  6. The Special Pay shall be available w.e.f 01.01.2019.
- 19 **Sumptuary Allowance** The sumptuary allowance shall be available to the Judicial Officers at the following rates:
1. District Judges: Rs. 7,800/- per month.
  2. Civil Judges (Sr. Div.): Rs. 5,800/- per month.
  3. Civil Judges (Jr. Div.): Rs. 3,800/- per month.
  4. These allowances shall be available w.e.f 01.01.2016.
  5. Principal District Judges, District Judges in

Selection Grade and Super Time Scale, Director of Judicial Academy/ Judicial training Institute/ Member Secretary, State legal Service Authority, Chief Judicial Magistrate will be entitled to an additional sum of Rs. 1,000/- per month.

6. No sumptuary allowance shall be payable to retired Judicial Officers.

**20 Telephone Facility**

The Judicial Officers shall be provided with the following telephone facilities:

**1. Residential Telephone (Landline):**

(a) The landline telephone and broadband facility (by the same or different service providers) shall be provided at the residence of the Judicial Officers with the permitted user as follows:

District Judges : Rs.1500/- per month  
Civil Judges : Rs.1000/- per month

inclusive of rent, calls (local and STD both) and internet use.

(b) At places where broadband facility is not available, the permissible user shall be :

District Judges: Rs.1000/- per month  
Civil Judges : Rs.750/- per month

inclusive of rent and calls (local and STD both).

**2. Mobile Phone:**

(a) The provision of mobile phone (handset) with internet shall be as follows:

District Judge : Rs.30,000/-  
Civil Judges (Jr & Sr Divisions) : Rs.20,000/-

The permissible user facility shall be as follows:

District Judges : Rs.2000/- per month  
Civil Judges : Rs.1500/- per month

Inclusive of internet data package.

(b) The mobile phone handset shall be replaced once in three years.

(c) The Judicial Officers shall be given option to retain the old mobile phone handset at a price to be determined as per the guidelines prescribed by the Registry of Hon'ble High Court.

**3. Office Telephone:**

Regarding telephone connection to the office, the present arrangement shall continue.

**21 Transfer Grant**

1. On transfer, the composite transfer grant shall be equivalent to one month's basic pay.

2. If the transfer is to a place at a distance of 20 kilometers or less or within the same city (if it involves actual change of residence), the transfer grant shall be 1/3<sup>rd</sup> of the basic pay.

3. For the transportation of personal effects, the O.M. dated 13.07.2017 issued by Department of Expenditure; Government of India pursuant to the recommendation of VII CPC shall be applicable.

4. In case of transportation by road, the admissible amount is Rs. 50/- per km. inclusive of labour charges for loading and unloading or the actual whichever is lower. The said amount shall be raised by 25% when the DA increases by 50%.

5. The recommendations will come into effect from 01.01.2016.

6. The Officers who have undergone transfer(s) after 01.01.2016 and their claims for transfer grant paid as per pre-revised pay scales shall be paid the differential amount on the basis of revised pay w.e.f 01.01.2016.

This order is being issued in supersession of all the earlier Notifications issued in this regard.

**MALAVIKA CHOUDHURY,**  
Secretary to the Government of Assam,  
Finance (PRU) Department.